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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,037	10/23/2003	John Kevin Liles	2003-0131	6442

7590

09/20/2005

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,037

Applicant(s)

LILES, JOHN KEVIN

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,9-14,17,18,20,22,23 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,9-14,17,18,20,22,23 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This is the third office action for U.S. Application 10/692,037 for a Wire Support and Method of Making filed by John Kevin Liles on October 23, 2003. Claims 1, 4, 5, 7, 9-14, 17, 18, 20, 22, 23, and 37 are pending

Claim Rejections - 35 USC § 103

Claims 1, 4, 5, 7, 9-11, 18, 20, 22, 23, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman in view of U.S. Patent 4,913,389 to McCracken. Rieman discloses a wire support with identical first and second wires (10 and 11). Each of the wires has a lower section (12 and 13), an upper section (14 and 16), and an intermediate section (between 12 and 14). The wires are twisted along the intermediate sections to form a plurality of helixes and spirally intertwined for providing an upright support, and the lower sections of the wires extend outwardly from the upright support, for insertion into the base surface to the mount the wire support. Each lower section has a lower region extending generally transverse to the upright support for enabling an operator to apply a force to the lower region, and each of the lower sections terminates in a lower distal area extending generally parallel to the upright supports, for facilitating insertion of the lower section into the base surface. The upper section of the wires extends outwardly from the upright support for engaging with the object to support the object relative to the base surface. The upper and lower ends of the intermediate section appear to have straight portions (right before the twists veer out into the upper and lower sections, respectively).

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Rieman does not disclose an upper section that terminates in an upper distal area that extends generally parallel to the upright support for insertion into an object. McCracken disclose a stand configured to be driven into a surface for supporting an object relative to a surface. The stand has a lower section, an intermediate section that forms an upright support, and an upper section. The upper section has an upper region extending outwardly from the upright support and terminates in an upper distal area extending generally parallel to the upright support for supporting an object upright relative to the support surface. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided the upper section of Rieman, with portions that are parallel to the upright support as taught by McCracken, for the purpose of supporting an object upright relative to the support surface.

Claims 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman. Rieman does not disclose the specific diameters of the wire or the twist to length of the wires. However, those are each a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rieman in view of U.S. Patent 6,258,420 B1 to Lehman. Rieman does not disclose a flexible material ribbon extending transversely along the intermediate section and extending between the first and second wires. Lehman discloses twisted wires with flexible material ribbons (40) extending transversely between first and second wires for decorative purposes. It would have been obvious to one of ordinary skill in the

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art at the time of the present invention to have provided ribbons between the wires of the stand taught by Rieman, as taught by Lehman, for the purpose of decorating the stand.

Response to Arguments

Applicant's arguments with respect to claims 1, 4, 5, 7, 9-14, 17, 18, 20, 22, 23, and 37 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

September 13, 2005


RAMON O. RAMIREZ
PRIMARY EXAMINER
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